

LAW FIRM OF JONAS & DRISCOLL, LLP
555 WEST FIFTH STREET
THIRTY FIRST FLOOR
LOS ANGELES, CA 90013
TEL: (213) 683-2033
FAX: (213) 996-8569
Christopher L. Driscoll, State Bar #167001

MAKE JS-6

Attorney for Plaintiffs GERARDO CAZARES & MARCELO MORENO

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GERARDO CAZARES, an individual;
MARCELO MORENO, an individual;

plaintiff,

vs.

CITY OF BELL GARDENS, a
public entity; Bell Gardens police
officer MICHAEL COX; Bell
Gardens police officer BARIOS, first
name unknown; Bell Gardens
police officer SERGIO TISCARENO;
Bell Gardens police officer RICK
MCCRANER; Bell Gardens police officer
RENE RUIZ, and DOES 1 through 10,
inclusive,

defendants.

Case# CV 06-5985 VBF (JTLx)

JUDGMENT
RE: GERARDO CAZARES
AND MANUEL
MORENO AFTER
TRIAL BY JURY

Hon. Valerie Baker Fairbank

JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER
TRIAL BY JURY

1 This action came on regularly for trial on March 25, 2008, in Courtroom "9"
2 of the United States District Court, Central District of California, Central Division,
3 the Honorable Valerie Baker Fairbank, Judge Presiding; the Plaintiffs Gerardo
4 Cazares and Manuel Moreno, appearing by attorneys Glen T. Jonas, Esq., and
5 Christopher L. Driscoll, Esq., the Defendants, City of Bell Gardens, Michael Cox,
6 Ricky McCraner, Rigoberto Barios, Rene Ruiz, and Sergio Tiscareno appearing by
7 attorneys Lee A. Wood, Esq., Jennifer S. Marvin, Esq., and Matthew Salcedo, Esq.
8 During the trial, Plaintiffs dismissed their claim pursuant to 42 U.S.C. 1985(3), and
9 their claims for punitive damages relating solely to state law claims (but not as to
10 any federal claims).

11 A jury of 9 persons was regularly impaneled and sworn on March 25.
12 Witnesses were sworn and testified. After hearing the evidence and arguments of
13 counsel, the jury was duly instructed by the Court, and the cause was submitted to
14 the jury with directions to return a verdict on the remaining issues. The jury
15 deliberated and thereafter returned to the court with its verdict consisting of the
16 issues submitted to the jury and the answers given thereto by the jury, which said
17 in words and figures as follows, to-wit:

18
19 **"WE THE JURY, IN THE ABOVE-ENTITLED CAUSE, UNANIMOUSLY**
20 **FIND AS FOLLOWS:**

21 Please answer by unanimous vote the following questions by placing an X in
22 the space following the appropriate response:
23
24
25

26
27 JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER
28 TRIAL BY JURY

QUESTION NO.1:

Has plaintiff Gerardo Cazares proved by a preponderance of the evidence that Defendants violated his Federal Constitutional rights not to be subjected to excessive force?

Michael Cox	Yes <u>X</u>	No _____
Sergio Tiscareno	Yes _____	No <u>X</u>
Rick McCraner	Yes _____	No <u>X</u>
Rene Ruiz	Yes _____	No <u>X</u>
Rigoberto Barios	Yes <u>X</u>	No _____

If your answer to Question #1 is “yes” for any of the officers, then proceed to Question #2. If your answer to Question #1 is “no” for all of the officers then skip to question #3.

QUESTION NO.2:

Has plaintiff Gerardo Cazares proved by a preponderance of the evidence that Defendants’ use of excessive force was a cause of injury to him?

Michael Cox	Yes <u>X</u>	No _____
Sergio Tiscareno	Yes _____	No <u>X</u>
Rick McCraner	Yes _____	No <u>X</u>
Rene Ruiz	Yes <u>X</u>	No _____
Rigoberto Barios	Yes <u>X</u>	No _____

JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER
TRIAL BY JURY

1 Proceed to Question #3.

2
3 **QUESTION NO.3:**

4 Has plaintiff Manuel Moreno proved by a preponderance of the evidence
5 that Defendants violated his Federal Constitutional rights not to be subjected to
6 excessive force?

7 Michael Cox Yes _____ No X

8 Sergio Tiscareno Yes _____ No X

9 Rick McCraner Yes X No _____

10 Rene Ruiz Yes X No _____

11 Rigoberto Barios Yes X No _____

12
13 If your answer to Question #3 is “yes” for any of the officers, then proceed
14 to Question #4. If your answer to Question #3 is “no” for all of the officers then
15 skip to question #5.

16
17 **QUESTION NO.4:**

18 Has plaintiff Manuel Moreno proved by a preponderance of the evidence
19 that Defendants’ use of excessive force was a cause of injury to him?

20
21 Michael Cox Yes _____ No X

22 Sergio Tiscareno Yes _____ No X

23 Rick McCraner Yes X No _____

24 Rene Ruiz Yes X No _____

25
26
27 JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER
28 TRIAL BY JURY

1 Rigoberto Barios Yes X No _____

2

3 Proceed to Question #5.

4

5 **QUESTION NO.5:**

6 Has plaintiff Gerardo Cazares proved by a preponderance of the evidence
7 that Defendants violated his Federal Constitutional rights not to be subjected to
8 unreasonable seizure of person (arrest without probable cause)?

9 Michael Cox Yes X No _____

10 Sergio Tiscareno Yes _____ No X

11 Rick McCraner Yes _____ No X

12 Rene Ruiz Yes _____ No X

13 Rigoberto Barios Yes _____ No X

14

15 If your answer to Question #5 is “yes” for any of the officers, then proceed
16 to Question #6. If your answer to Question #5 is “no” for all of the officers then
17 skip to question #7.

18

19 **QUESTION NO.6:**

20 Has plaintiff Gerardo Cazares proved by a preponderance of the evidence
21 that Defendants’ unreasonable seizure of him (arrest without probable cause) was
22 a cause of injury to him?

23

24

25

26

27 JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER
28 TRIAL BY JURY

1	Michael Cox	Yes <u>X</u>	No _____
2	Sergio Tiscareno	Yes _____	No <u>X</u>
3	Rick McCraner	Yes _____	No <u>X</u>
4	Rene Ruiz	Yes _____	No <u>X</u>
5	Rigoberto Barios	Yes _____	No <u>X</u>

6

7 Proceed to Question #7.

8

9 **QUESTION NO.7:**

10 Has plaintiff Manuel Moreno proved by a preponderance of the evidence
 11 that Defendants violated his Federal Constitutional rights not to be subjected to
 12 unreasonable seizure of person (arrest without probable cause)?

13	Michael Cox	Yes _____	No <u>X</u>
14	Sergio Tiscareno	Yes _____	No <u>X</u>
15	Rick McCraner	Yes _____	No <u>X</u>
16	Rene Ruiz	Yes _____	No <u>X</u>
17	Rigoberto Barios	Yes _____	No <u>X</u>

18

19 If your answer to Question #7 is “yes” for any of the officers, then proceed
 20 to Question #8. If your answer to Question #7 is “no” for all of the officers then
 21 skip to question #9.

22

23 **QUESTION NO.8:**

24 Has plaintiff Manuel Moreno proved by a preponderance of the evidence

25

26

27 JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER
 28 TRIAL BY JURY

that Defendants' unreasonable seizure of him (arrest without probable cause) was a cause of injury to him?

Michael Cox	Yes_____	No <u> X </u>
Sergio Tiscareno	Yes_____	No <u> X </u>
Rick McCraner	Yes_____	No <u> X </u>
Rene Ruiz	Yes_____	No <u> X </u>
Rigoberto Barios	Yes_____	No <u> X </u>

Proceed to Question #9.

QUESTION NO.9:

Has plaintiff Gerardo Cazares proved by a preponderance of the evidence that Defendants violated his Federal Constitutional rights not to be subjected to malicious prosecution?

Michael Cox	Yes <u> X </u>	No_____
Sergio Tiscareno	Yes <u> X </u>	No_____
Rick McCraner	Yes <u> X </u>	No_____
Rene Ruiz	Yes <u> X </u>	No_____
Rigoberto Barios	Yes <u> X </u>	No_____

If your answer to Question #9 is "yes" for any of the officers, then proceed to Question #10. If your answer to Question #9 is "no" for all of the officers then

JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER
TRIAL BY JURY

skip to question #11.

QUESTION NO.10:

Has plaintiff Gerardo Cazares proved by a preponderance of the evidence that Defendants' malicious prosecution of him was a cause of injury to him?

Michael Cox	Yes <u> X </u>	No <u> </u>
-------------	------------------	------------------

Sergio Tiscareno	Yes <u> X </u>	No <u> </u>
------------------	------------------	------------------

Rick McCraner	Yes <u> X </u>	No <u> </u>
---------------	------------------	------------------

Rene Ruiz	Yes <u> X </u>	No <u> </u>
-----------	------------------	------------------

Rigoberto Barios	Yes <u> X </u>	No <u> </u>
------------------	------------------	------------------

Proceed to Question #11.

QUESTION NO.11:

Has plaintiff Manuel Moreno proved by a preponderance of the evidence that Defendants violated his Federal Constitutional rights not to be subjected to malicious prosecution?

Michael Cox	Yes <u> X </u>	No <u> </u>
-------------	------------------	------------------

Sergio Tiscareno	Yes <u> X </u>	No <u> </u>
------------------	------------------	------------------

Rick McCraner	Yes <u> X </u>	No <u> </u>
---------------	------------------	------------------

Rene Ruiz	Yes <u> X </u>	No <u> </u>
-----------	------------------	------------------

Rigoberto Barios	Yes <u> X </u>	No <u> </u>
------------------	------------------	------------------

JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER
TRIAL BY JURY

1 If your answer to Question #11 is “yes” for any of the officers, then proceed
 2 to Question #12. If your answer to Question #11 is “no” for all of the officers then
 3 skip to question #13.

4
 5 **QUESTION NO.12:**

6 Has plaintiff Manuel Moreno proved by a preponderance of the evidence
 7 that Defendants’ malicious prosecution of him was a cause of injury to him?

9 Michael Cox	Yes <u>X</u>	No _____
10 Sergio Tiscareno	Yes <u>X</u>	No _____
11 Rick McCraner	Yes <u>X</u>	No _____
12 Rene Ruiz	Yes <u>X</u>	No _____
13 Rigoberto Barios	Yes <u>X</u>	No _____

14
 15 Proceed to Question #13.

16
 17 **QUESTION NO.13:**

18 Has plaintiff Gerardo Cazares proved by a preponderance of the evidence
 19 that Defendants committed an assault on him?

20 Michael Cox	Yes <u>X</u>	No _____
21 Sergio Tiscareno	Yes _____	No <u>X</u>
22 Rick McCraner	Yes _____	No <u>X</u>
23 Rene Ruiz	Yes _____	No <u>X</u>
24 Rigoberto Barios	Yes <u>X</u>	No _____

25
 26
 27 JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER
 28 TRIAL BY JURY

1 If your answer to Question #13 is “yes” for any of the officers, then proceed
2 to Question #14. If your answer to Question #13 is “no” for all of the officers then
3 skip to question #15.

4
5 **QUESTION NO.14:**

6 Has plaintiff Gerardo Cazares proved by a preponderance of the evidence
7 that Defendants’ assault on him was a cause of injury to him?

9 Michael Cox	Yes <u>X</u>	No _____
10 Sergio Tiscareno	Yes _____	No <u>X</u>
11 Rick McCraner	Yes _____	No <u>X</u>
12 Rene Ruiz	Yes _____	No <u>X</u>
13 Rigoberto Barios	Yes <u>X</u>	No _____

14
15 Proceed to Question #15.

16 **QUESTION NO.15:**

17 Has plaintiff Manuel Moreno proved by a preponderance of the evidence
18 that Defendants committed an assault on him?

19 Michael Cox	Yes _____	No <u>X</u>
20 Sergio Tiscareno	Yes _____	No <u>X</u>
21 Rick McCraner	Yes <u>X</u>	No _____
22 Rene Ruiz	Yes <u>X</u>	No _____
23 Rigoberto Barios	Yes <u>X</u>	No _____

24
25
26
27 JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER
28 TRIAL BY JURY

1 If your answer to Question #15 is “yes” for any of the officers, then proceed
2 to Question #16. If your answer to Question #15 is “no” for all of the officers then
3 skip to question #17.

4
5 **QUESTION NO.16:**

6 Has plaintiff Manuel Moreno proved by a preponderance of the evidence
7 that Defendants’ assault on him was a cause of injury to him?

9 Michael Cox	Yes____	No <u>X</u>
10 Sergio Tiscareno	Yes____	No <u>X</u>
11 Rick McCraner	Yes <u>X</u>	No____
12 Rene Ruiz	Yes <u>X</u>	No____
13 Rigoberto Barios	Yes <u>X</u>	No____

14
15 Proceed to Question #17.

16
17 **QUESTION NO.17:**

18 Has plaintiff Gerardo Cazares proved by a preponderance of the evidence
19 that Defendants committed a battery on him?

20 Michael Cox	Yes <u>X</u>	No____
21 Sergio Tiscareno	Yes____	No <u>X</u>
22 Rick McCraner	Yes____	No <u>X</u>
23 Rene Ruiz	Yes____	No <u>X</u>
24 Rigoberto Barios	Yes <u>X</u>	No____

25
26
27 JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER
28 TRIAL BY JURY

1 If your answer to Question #17 is “yes” for any of the officers, then proceed
2 to Question #18. If your answer to Question #17 is “no” for all of the officers then
3 skip to question #19.

4
5 **QUESTION NO.18:**

6 Has plaintiff Gerardo Cazares proved by a preponderance of the evidence
7 that Defendants’ battery on him was a cause of injury to him?

9 Michael Cox	Yes <u>X</u>	No _____
10 Sergio Tiscareno	Yes _____	No <u>X</u>
11 Rick McCraner	Yes _____	No <u>X</u>
12 Rene Ruiz	Yes _____	No <u>X</u>
13 Rigoberto Barios	Yes <u>X</u>	No _____

14
15 Proceed to Question #19.

16
17 **QUESTION NO.19:**

18 Has plaintiff Manuel Moreno proved by a preponderance of the evidence
19 that Defendants committed a battery on him?

20 Michael Cox	Yes _____	No <u>X</u>
21 Sergio Tiscareno	Yes _____	No <u>X</u>
22 Rick McCraner	Yes <u>X</u>	No _____
23 Rene Ruiz	Yes <u>X</u>	No _____
24 Rigoberto Barios	Yes <u>X</u>	No _____

25
26
27 JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER
28 TRIAL BY JURY

1 If your answer to Question #19 is “yes” for any of the officers, then proceed
2 to Question #20. If your answer to Question #19 is “no” for all of the officers then
3 skip to question #21.

4
5 **QUESTION NO.20:**

6 Has plaintiff Manuel Moreno proved by a preponderance of the evidence
7 that Defendants’ battery on him was a cause of injury to him?

8
9
10 Michael Cox Yes____ No X
11 Sergio Tiscareno Yes____ No X
12 Rick McCraner Yes X No____
13 Rene Ruiz Yes X No____
14 Rigoberto Barios Yes X No____

15
16 Proceed to Question #21.

17
18 **QUESTION NO.21:**

19 Has plaintiff Gerardo Cazares proved by a preponderance of the evidence
20 that Defendants falsely arrested him?

21 Michael Cox Yes____ No X
22 Sergio Tiscareno Yes____ No X
23 Rick McCraner Yes____ No X
24 Rene Ruiz Yes____ No X

25
26
27 JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER
28 TRIAL BY JURY

1 Rigoberto Barios Yes_____ No X

2
3 If your answer to Question #21 is “yes” for any of the officers, then proceed
4 to Question #22. If your answer to Question #21 is “no” for all of the officers then
5 skip to question #23.

6
7 **QUESTION NO.22:**

8 Has plaintiff Gerardo Cazares proved by a preponderance of the evidence
9 that Defendants’ false arrest of him was a cause of injury to him?

10
11 Michael Cox Yes_____ No_____

12 Sergio Tiscareno Yes_____ No_____

13 Rick McCraner Yes_____ No_____

14 Rene Ruiz Yes_____ No_____

15 Rigoberto Barios Yes_____ No_____

16
17 Proceed to Question #23.

18
19 **QUESTION NO.23:**

20 Has plaintiff Manuel Moreno proved by a preponderance of the evidence
21 that Defendants falsely arrested him?

22 Michael Cox Yes_____ No X

23 Sergio Tiscareno Yes_____ No X

24 Rick McCraner Yes_____ No X

25
26 _____

27 JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER
28 TRIAL BY JURY

1 Rene Ruiz Yes_____ No X
2 Rigoberto Barios Yes_____ No X
3

4 If your answer to Question #23 is “yes” for any of the officers, then proceed
5 to Question #24. If your answer to Question #23 is “no” for all of the officers then
6 skip to question #25.
7

8 **QUESTION NO.24:**

9 Has plaintiff Manuel Moreno proved by a preponderance of the evidence
10 that Defendants’ false arrest of him was a cause of injury to him?
11

12 Michael Cox Yes_____ No X
13 Sergio Tiscareno Yes_____ No X
14 Rick McCraner Yes_____ No X
15 Rene Ruiz Yes_____ No X
16 Rigoberto Barios Yes_____ No X
17

18 Proceed to Question #25.
19
20

21 //

22
23
24 //

25

26

27 JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER
28 TRIAL BY JURY

QUESTION NO.25:

As to Gerardo Cazares, if you determined that any defendant was a cause of harm as to Gerardo Cazares, what are the damages suffered by Gerardo Cazares?

\$ 1,547,333

QUESTION NO.26:

As to Manuel Moreno, if you determined that any defendant was a cause of harm as to Manuel Moreno, what are the damages suffered by Manuel Moreno?

\$ 1,636,111

QUESTION NO.27:

If you answered any questions in 2, 6, or 10 as “Yes” as to any defendant, answer this question, but only as to those defendants for which you marked “Yes” in 2, 6, or 10. Do you find by a preponderance of the evidence that any of the officers acted with malice, oppression, or reckless disregard for Gerardo Cazares’ rights?

Michael Cox	Yes <u>X</u>	No _____
Sergio Tiscareno	Yes <u>X</u>	No _____
Rick McCraner	Yes <u>X</u>	No _____
Rene Ruiz	Yes <u>X</u>	No _____
Rigoberto Barios	Yes <u>X</u>	No _____

JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER
TRIAL BY JURY

QUESTION NO.28:

If you answered any questions in 4, 8, or 12 as “Yes” as to any defendant, answer this question, but only as to those defendants for which you marked “Yes” in 4, 8, or 12. Do you find by a preponderance of the evidence that any of the officers acted with malice, oppression, or reckless disregard for Manuel Moreno’s rights?

Michael Cox	Yes <u> X </u>	No <u> </u>
Sergio Tiscareno	Yes <u> X </u>	No <u> </u>
Rick McCraner	Yes <u> X </u>	No <u> </u>
Rene Ruiz	Yes <u> X </u>	No <u> </u>
Rigoberto Barios	Yes <u> X </u>	No <u> </u>

In addition, as to the special interrogatories submitted to the jury regarding the issue of qualified immunity, the jury deliberated and thereafter returned to the court with its verdict consisting of the issues submitted to the jury and the answers given thereto by the jury, which said in words and figures as follows, to-wit:

“Proceed to answer the following questions below. If you answered “yes” to one or more of the following groups of questions on the Special Verdict, questions 1-2; questions 3-4; questions 5-6; questions 7-8; questions 9-10; and/or question 11 and 12, then proceed to answer the following questions:

We, the jury in the above-entitled matter, make the following findings of fact with regard to the special interrogatories submitted to us:

JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER
TRIAL BY JURY

QUESTION #1:

Did Officer Cox reasonably believe that Plaintiff Cazares initiated a confrontation with him?

☐ Yes

☒ No

QUESTION #2:

Did Officer Cox reasonably believe that Plaintiff Cazares was struggling with him?

☒ Yes

☐ No

QUESTION #3:

Did Officer Cox reasonably believe that Plaintiff Cazares was refusing to comply with orders to stop resisting arrest?

☒ Yes

☐ No

QUESTION #4:

Did the Officers reasonably believe that Plaintiff Moreno hit Officer Cox in the head with a metal folding chair?

Michael Cox	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
-------------	---	-----------------------------

Sergio Tiscareno	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
------------------	------------------------------	--

Rick McCraner	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
---------------	------------------------------	--

JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER
TRIAL BY JURY

1	Rene Ruiz	Yes_____	No <u> X </u>
2	Rigoberto Barios	Yes_____	No <u> X </u>

3

4 **QUESTION #5:**

5 Did the Officers reasonably believe that Plaintiff Moreno put Officer Cox in

6 a chokehold?

7	Michael Cox	Yes <u> X </u>	No_____
8	Sergio Tiscareno	Yes <u> X </u>	No_____
9	Rick McCraner	Yes <u> X </u>	No_____
10	Rene Ruiz	Yes <u> X </u>	No_____
11	Rigoberto Barios	Yes <u> X </u>	No_____

12

13 **QUESTION #6:**

14 Did the Officers reasonably believe that Officer Cox was in danger of

15 serious bodily injury as a result of the actions of Plaintiffs Cazares and Moreno?

16	Michael Cox	Yes <u> X </u>	No_____
17	Sergio Tiscareno	Yes_____	No <u> X </u>
18	Rick McCraner	Yes_____	No <u> X </u>
19	Rene Ruiz	Yes_____	No <u> X </u>
20	Rigoberto Barios	Yes_____	No <u> X </u>

21

22 **QUESTION #7:**

23 Did the Officers tell Plaintiff Cazares and Plaintiff Moreno to stop fighting

24 with them?

25

26 _____

27 JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER

28 TRIAL BY JURY

1	Michael Cox	Yes_____	No <u> X </u>
2	Sergio Tiscareno	Yes_____	No <u> X </u>
3	Rick McCraner	Yes_____	No <u> X </u>
4	Rene Ruiz	Yes <u> X </u>	No_____
5	Rigoberto Barios	Yes_____	No <u> X </u>

6

7 **QUESTION #8:**

8 Did the Officers reasonably believe that Plaintiff Cazares and Plaintiff
9 Moreno were fighting with them and/or other officers?

10	Michael Cox	Yes <u> X </u>	No_____
11	Sergio Tiscareno	Yes <u> X </u>	No_____
12	Rick McCraner	Yes <u> X </u>	No_____
13	Rene Ruiz	Yes <u> X </u>	No_____
14	Rigoberto Barios	Yes <u> X </u>	No_____

15

16 In addition, as to the bifurcated issues relating to punitive damages, the jury
17 deliberated and thereafter returned to the court with its verdict consisting of the
18 issues submitted to the jury and the answers given thereto by the jury, which said
19 in words and figures as follows, to-wit:

20

21 **“QUESTION NO.1:**

22 As to each of the following officers, what is the total amount of punitive
23 damages that you award against the officer in favor of Gerardo Cazares.

24

25

26 _____

27 JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER
28 TRIAL BY JURY

Michael Cox \$ 184,500

Sergio Tiscareno \$ 65,200

Rick McCraner \$124,700

Rene Ruiz \$124,600

Rigoberto Barios \$155,100

PROCEED TO QUESTION #2.

QUESTION NO.2:

As to each of the following officers, what is the total amount of punitive damages that you award against the officer in favor of Manuel Moreno.

Michael Cox \$146,000

Sergio Tiscareno \$65,200

Rick McCraner \$124,700

Rene Ruiz \$124,600

Rigoberto Barios \$160,600

Dated: _____

Foreperson of the Jury

JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER
TRIAL BY JURY

1 Following trial the Court ruled on Defendants Motion for Mistrial and
2 Defendants' Qualified Immunity Defense. The Court ruled against defendants on
3 both issues.

4 By reason of the jury's special verdict, special verdict on punitive damages,
5 and the rulings of the Court, Plaintiffs Gerardo Cazares and Manuel Moreno are
6 entitled to Judgment against Defendants Michael Cox, Sergio Tiscareno, Rick
7 McCraner, Rene Ruiz, and Rigoberto Barios.

8
9
10 //

11
12
13
14
15
16
17 //

18
19
20
21
22
23
24 //

25
26
27 JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER
28 TRIAL BY JURY

Now therefore, it is **ORDERED, ADJUDGED AND DECREED** that plaintiff Gerardo Cazares shall have and recover \$1,547,333 jointly and severally from defendants Michael Cox, Sergio Tiscareno, Rick McCraner, Rene Ruiz, and Rigoberto Barios. Gerardo Cazares shall have and recover the additional amounts of punitive damages of \$ 184,500 against Michael Cox, \$ 65,200 against Sergio Tiscareno, \$124,700 against Rick McCraner, \$124,600 against Rene Ruiz, and \$155,100 against Rigoberto Barios.

Further, plaintiff Manuel Moreno shall have and recover \$1,636,111 jointly and severally from defendants Michael Cox, Sergio Tiscareno, Rick McCraner, Rene Ruiz, and Rigoberto Barios. Manuel Moreno shall have and recover the additional amounts of punitive damages of \$146,000 against Michael Cox, \$65,200 against Sergio Tiscareno, \$124,700 against Rick McCraner, \$124,600 against Rene Ruiz, and \$160,600 against Rigoberto Barios.

Further, by stipulation of the parties, all non-punitive damages are the joint and several liability of the City of Bell Gardens, upon the completion of any post-trial motions and appeals, if any.

Further, Plaintiffs shall recover attorneys' fees and costs in accordance with FRCP Rule 54 and Local Rule 54, to the extent that entitlement to said attorneys' fees and costs is proven to the Court.

DATED: April 18, 2008



HONORABLE VALERIE BAKER FAIRBANK
UNITED STATES DISTRICT COURT JUDGE

JUDGMENT RE: GERARDO CAZARES AND MANUEL MORENO AFTER
TRIAL BY JURY